

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

NOT FOR PUBLICATION

PRECISION ASSOCIATES, INC.;
ANYTHING GOES LLC d/b/a MAIL BOXES
ETC.; and JCK INDUSTRIES, INC., on behalf
of themselves and all others similarly situated,

Plaintiffs,

- versus -

PANALPINA WORLD TRANSPORT
(HOLDING) LTD., *et al.*,

Defendants.

ORDER

08-CV-00042 (JG) (VVP)

JOHN GLEESON, United States District Judge:

On September 20, 2013, Magistrate Judge Pohorelsky issued a Report and Recommendation (DE 878, with a redacted version at DE 903) on defendants' motions to dismiss the Third Amended Complaint in this matter. Various defendants filed objections in mid-October, to which plaintiffs responded in mid-November. I have now considered all of the objections and am persuaded that Judge Pohorelsky's careful, thorough, well-reasoned report should be adopted in full.¹

Thus, for the reasons stated in the report, the following is ordered:

- The global conspiracy in Claim 10 as against the Dachser, UPS, and Bax Global defendants is dismissed;

¹ One change is necessary: because the Geodis defendants have settled the case, *see* DE 989, any reference to them or their claims in the report is now moot.

- The Japanese conspiracies in Claims 2, 4, 7, and 11 to the extent they purport to seek relief for freight forwarding services on shipments originating outside of Japan are dismissed;
- The complaint is dismissed as to Toll Global Forwarding (USA), Inc.;
- “Agility Logistics Corporation” is dismissed from the complaint; the complaint is reformed to replace that entity with Agility Holdings, Inc.; the plaintiffs are permitted to serve an amended summons; and
- The Japanese defendants’ motion to sever Claims 2, 4, 7, and 11 is granted, but these claims are consolidated with the remaining claims for coordinated discovery proceedings.

The motions to dismiss are otherwise denied.

So ordered.

John Gleeson, U.S.D.J.

Dated: January 28, 2014
Brooklyn, New York